

### **REMARKS**

Claims 9-17 are pending in this application. For purposes of expedition, claims 18-19 have been canceled without prejudice or disclaimer. Claims 9-11 and 13-17 have been amended in several particulars for purposes of clarity and brevity, in accordance with current Office policy, to clearly define Applicants' disclosed invention relative to cited prior art and to assist the Examiner to expedite compact prosecution of the instant application.

Claims 9-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Desai et al., U.S. Patent No. 5,781,703, in view of Bensenberg et al., U.S. Patent No. 5,751,943 for reasons stated on pages 2-4 of the Office Action (Paper No. 72104). As previously noted, claims 18-19 have been canceled without prejudice or disclaimer to render their rejection moot. For purposes of expedition, base claims 9, 13, 14 and 17 have been amended to clarify the type of data extracted and sent to a terminal for use by a customer and how each clerk terminal is able to send data showing connection and monitor means changes a connective status of a clerk terminal, which are features not described or suggested in either Desai et al., U.S. Patent No. 5,781,703, or Bensenberg et al., U.S. Patent No. 5,751,943, whether taken individually or in combination. Therefore, as amended, Applicants believe that claims 9-17 are now deemed in condition for allowance and that the rejection of claims 9-17 is now moot, at least for reasons discussed herein below.

For example, base claim 9, as amended, defines a consulting system for an inquiry from a customer (also see base claim 14), comprising:

a plurality of clerk terminals for use by an expert clerk to reply to said inquiry from said customer; and

a connection management apparatus for managing connections, said connection management apparatus comprising:

monitoring means for monitoring connective status of each of said clerk terminals,

storage means for storing data related to an expert clerk corresponding a connectable expert clerk terminal,

extraction means for extracting said data related to said expert clerk corresponding said connectable expert clerk terminal, and

sending means for sending a list of said data related to said expert clerk corresponding to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal; wherein:

each of said clerk terminals sends data showing that connection is possible to said connection management apparatus when connection with said terminal for use by said customer is ended, and

said monitoring means of said connection management apparatus changes a connective status of said clerk terminal from "connected" to "connectable" based on said data showing connectable.

Similarly, base claim 13 defines a consulting method using a consulting system having a connection management apparatus comprising, *inter alia*:

"sending a list of said data related to said expert clerk corresponding said connectable expert clerk terminal to a terminal for use by said customer so that said customer is able to choose an expert clerk corresponding said connectable expert clerk terminal;

sending data showing connectable to said connection management apparatus when said connection for said customer is terminated, and

wherein a connective status of said expert clerk terminal is changed from "connected" to "connectable" based on said data showing from said expert clerk terminal that has become connectable."

Likewise, base claim 17 defines a connection management method for managing connections between a first terminal for use by a customer and a plurality of second terminals for use by an expert clerk to reply to an inquiry from said customer, comprising steps of:

monitoring a connective status of each of said second terminals;

storing data related to an expert clerk corresponding said connectable second terminal;  
extracting said data related to said expert clerk corresponding said connectable second terminal in accordance with said inquiry from said customer;  
sending a list of said data related to said expert clerk corresponding said connectable second terminal to said first terminal so that said customer is able to choose an expert clerk corresponding said connectable second terminal;  
sending data showing said second terminal is connectable when said connection of said second terminal for said first terminal has become terminated;  
receiving data from said second terminal showing connectable when said connection of any one of said second terminals for said first terminal is terminated; and  
changing said connective status of said second terminal from "connected" to "connectable" based on said data from said second terminal that has become connectable.

In contrast to Applicants' base claims 9, 13, 14 and 17, Desai, U.S. Patent No. 5,781,703, as a primary reference, only discloses a database technique for monitoring the performance of computers 12 in a computer network 10, as shown in FIG. 1. According to Desai '703, a network monitoring system is comprised of computer programs, known as Data Servers 14, Proxy Controllers 16 and Intelligent Remote Agents 18, as shown in FIG. 1, used to monitor the performance of each computer in the network. Specifically, the Proxy Controller 16 is used to translate requests for data performance from the Data Server 14 into commands and send the commands to the Intelligent Remote Agent 18 on the Data Server 14. The Intelligent Remote Agent 18 then collects performance data in the Data Server 14 and sends the performance data to the Proxy Controller 16 for storage (see Abstract, col. 11, lines 25-60).

While Desai '703 describes the collection of performance data of one or more computers in a network, such as whether any processes running on Data Server is

using an inordinate amount of CPU time, i.e. ...greater than some threshold value or percentage" (col. 11, lines 7-25), there is **no** disclosure of any monitoring of the Data Server's connection status. In other words, there is **no** disclosure or suggestion anywhere in Desai '703 of Applicants' claimed "monitoring means for monitoring connective status of each of said clerk terminal" as generally defined in Applicants' base claims 9, 13, 14 and 17.

Moreover, there is **no** disclosure or suggestion anywhere in Desai '703 of Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as generally defined in Applicants' base claims 9, 13, 14 and 17. Likewise, there is **no** disclosure or suggestion anywhere in Desai '703 of Applicants' claimed "a clerk terminal which sends data showing that connection is possible, to [said] connection management apparatus when connection with a terminal for use by said customer is ended" as generally defined in Applicants' base claims 9, 13, 14 and 17.

As a secondary reference, Benzenberg, U.S. Patent No. 5,751,943 does **not** remedy the noted deficiencies of Desai703 in order to arrive at Applicants' base claims 9, 13, 14 and 17. This is because Benzenberg '943 only discloses an electronic work environment for a data processing system for online documentation. Benzenberg '943 does **not** mention that a list of connectable terminals is obtained and, certainly, does **not** describe Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

Likewise, Benzenberg '943 does **not** disclose Applicants' claimed "clerk terminal which sends data showing that connection is possible, to said connection management apparatus when connection with a terminal for said customer is ended" or Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Examiner must show that the prior art reference (or references when combined) must teach or suggest all the claim limitations, and that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings, provided with a reasonable expectation of success, in order to arrive at the Applicants' claimed invention. The requisite motivation must stem from some teaching or suggestion to make the claimed combination must be found in the prior art, and **not** based on Applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143. In other words, all the claim limitations must be disclosed or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, any deficiencies in the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge". See In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002).

In the present situation, both Desai '703 and Benzenberg '943 fail to disclose and suggest key features of Applicants' claims 9, 13, 14 and 17. There is no *prima*

*facie* case of obviousness demonstrated. Therefore, Applicants respectfully request that the rejection of claims 9-17 be withdrawn.

Alternatively, claims 9-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chao et al., U.S. Patent No. 5,964,837, in view of George et al., U.S. Patent No. 5,774,669 for reasons stated on pages 5-7 of the Office Action (Paper No. 72104). Again, for reasons previously discussed, base claims 9, 13, 14 and 17 have been amended to clarify the type of data extracted and sent to a terminal for use by a customer and how each clerk terminal is able to send data showing connection and monitor means changes a connective status of a clerk terminal, which are features **not** disclosed or suggested in either Chao '837 or George '669, whether taken individually or in combination. As a result, Applicants believe that claims 9-17 are now deemed in condition for allowance and that the rejection of claims 9-17 is now moot at least for following reasons.

In contrast to Applicants' base claims 9, 13, 14 and 17, Chao '837, as a primary reference, discloses a technique of monitoring the topology of a network using dynamic switching between a polling mode and an event monitoring mode. According to Chao '837, an operational status of a destination node is monitored via a network (col. 13, lines 42-54). A name server 27, as shown in FIG. 1, then manages names and addresses of active nodes on the network (col. 5, lines 1-15). Messages and node responses are sent between nodes in order for another node to monitor the operational status between nodes (col. 3, lines 27-65, col. 4, lines 22-35, col. 12, lines 37-57). In addition, Chao '837 describes that a management application called an "Agent" makes a query about whether a node is operable or

not, whether an end point is operable or not, or what other node is connected with one node (col. 4, lines 23-35).

However, Chao '837 does **not** describe that the Agent 25 can send a list of enable nodes. In other words, Chao '837 does **not** disclose Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

In addition, Chao '837 describes on column 4, lines 23-25, that the Agent 25 makes a query about whether a node is operable or not, or whether an end point is operable or not, but **not** that when nodes 11-14 have changed from the disabled stated to the enabled status, the nodes 11-14 voluntarily inform the Agent 25 that they are enabled. In other words, Chao '837 does **not** disclose Applicants' claimed "clerk terminal which sends data showing that connection is possible, to said connection management apparatus when connection with a terminal for said customer is ended" or Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

As a secondary reference, George '669 does **not** remedy the noted deficiencies of Chao '837 in order to arrive at Applicants' base claims 9, 13, 14 and 17. This is because George '669 only discloses an expert system for monitoring module status information (col. 5, lines 17-21, col. 4, lines 52-61, col. 76, lines 25-32).



Like Chao '837, George '837 does **not** disclose Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for said customer so that said customer can select an expert clerk related to said connectable clerk terminal", or Applicants' claimed "clerk terminal which sends data showing that connection is possible, to said connection management apparatus when connection with a terminal for said customer is ended", or Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

In view of these reasons and the apparent deficiencies of Chao '837 and George '669, Applicants respectfully request that the rejection of claims 9-17 be withdrawn.

Lastly, claims 9-19 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Loftin et al., U.S. Patent No. 5,311,422, in view of Ogushi et al., U.S. Patent No. 6,385,497 for reasons stated on pages 7-9 of the Office Action (Paper No. 72104). Again, for reasons previously discussed, base claims 9, 13, 14 and 17 have been amended to clarify the type of data extracted and sent to a terminal for use by a customer and how each clerk terminal is able to send data showing connection and monitor means changes a connective status of a clerk terminal, which are features **not** disclosed or suggested in either Loftin '422 or Ogushi '497, whether taken individually or in combination. As a result, Applicants believe that claims 9-17 are now deemed in condition for allowance and that the rejection of claims 9-17 is now moot for following reasons.



As a primary reference, Loftin '422 discloses only a training system, as shown in FIG. 1, for use in numerous training disciplines, in which one module is a user interface designed for a specific environment and which can be used for training in other tasks that are performed in the same environment. As shown in FIG. 1A, for example, an error detection expert 32 is used to compare the behavior of a trainee with the knowledge in a domain expert and detects a higher level error (col. 9, lines 51-59, col. 36, lines 1-11).

However, Loftin '422 does **not** describe that the error detection expert 32 is used to monitor the connective status of a computer aid training system and, as a result, no disclosure of Applicants' claimed "monitoring means for monitoring connective status of each of said clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

Moreover, Loftin '422 does not describe that, when connection of a computer aid training system (equivalent to a clerk terminal in the present application) with a trainee (equivalent to a terminal for use by a customer in the present application) is finished, data showing that connection is possible is sent to a session manager (equivalent to a connection management apparatus in the present application). In other words, Loftin '422 does **not** disclose Applicants' claimed "clerk terminal which sends data showing that connection is possible, to said connection management apparatus when connection with a terminal for said customer is ended" or Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

As a secondary reference, Ogushi '497 does **not** remedy the noted deficiencies of Loftin '422 in order to arrive at Applicants' base claims 9, 13, 14 and 17. This is because Ogushi '497 only discloses a host management system for remotely controlling status information on industrial machines in factories, via the Internet (see column 14, lines 3-15).

Like Loftin 422, Ogushi '497 does **not** disclose Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for said customer so that said customer can select an expert clerk related to said connectable clerk terminal", or Applicants' claimed "clerk terminal which sends data showing that connection is possible, to said connection management apparatus when connection with a terminal for said customer is ended", or Applicants' claimed "sending means for sending a list of said data related to said connectable expert clerk to a terminal for use by said customer so that said customer can select an expert clerk related to said connectable clerk terminal" as defined in Applicants' base claims 9, 13, 14 and 17.

In view of these reasons and the apparent deficiencies of Loftin '422 and Ogushi '497, Applicants respectfully request that the rejection of claims 9-17 be withdrawn.

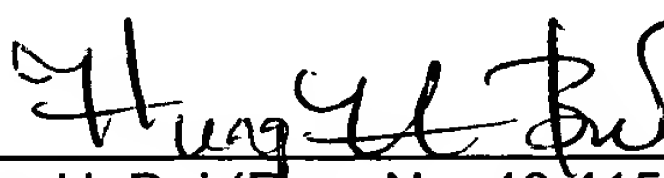
In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 520.35693CX1), and please credit any excess fees to said deposit account.

Respectfully submitted,

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